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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES K. SONG, et al.,
Plaintiffs,
v.
AARON DRENBERG, et al.,
Defendants.

Case No. [18-cv-06283-LHK](#) (VKD)

**ORDER RE DISCOVERY DISPUTE RE
PLAINTIFFS' INITIAL DISCLOSURES**

Re: Dkt. Nos. 38, 45

By order dated May 28, 2019, the Court ordered plaintiffs to file responses to the two discovery letter briefs filed by defendant Aaron Drenberg on May 22, 2019. *See* Dkt. No. 44. On May 30, 2019, plaintiffs filed a single letter with the Court. Dkt. No. 45. Plaintiffs did not address the substance of the discovery disputes described in either of Mr. Drenberg's letters, but instead complained that Mr. Drenberg had not complied with the Court's procedures and had not conferred in good faith about the matters in dispute. *Id.*

This marks the second occasion on which a discovery dispute has been submitted to this Court for decision without complying with this Court's standing order. *See* Dkt. No. 35. On the first occasion, the Court admonished the parties regarding the Court's expectations. *Id.* The Court is disappointed that its admonishment was not taken seriously.

The Court finds that Mr. Drenberg's challenges to plaintiffs' initial disclosures may be resolved without a hearing. As explained below, the Court orders plaintiffs to amend their initial disclosures. The Court will address Mr. Drenberg's motion to compel responses to his document requests by separate order.

1 **I. PLAINTIFFS' INITIAL DISCLOSURES**

2 Plaintiffs' May 16, 2019 amended initial disclosures address some but not all of the
3 deficiencies cited in the Court's May 2, 2019 order. Dkt. No. 35.

4 It is apparent from the amended complaint (Dkt. No. 46) that not all plaintiffs assert all
5 claims against all defendants. And yet plaintiffs' initial disclosures do not specify which plaintiff
6 or plaintiffs have identified a particular individual as likely to have discoverable information
7 supporting a claim asserted by such plaintiff or plaintiffs. *See* Dkt. No. 35 at 2. Plaintiffs must
8 remedy this problem by amending the disclosure to identify the particular plaintiff or plaintiffs on
9 whose behalf the disclosure of a particular individual is made. If plaintiffs have contact
10 information for an identified individual, even if they believe the contact information is not current,
11 they shall disclose the contact information they have.

12 Mr. Drenberg is correct that plaintiffs' initial disclosures fail to disclose which categories
13 of documents (e.g., "communications . . . concerning lost business opportunities") may be
14 obtained from which source (e.g., Mr. Song's laptop), and also fail to disclose the physical
15 locations of the documents. *See* Dkt. No. 35 at 2–3. Plaintiffs must remedy this problem by either
16 producing all of the documents which they may use to support their claims, or by amending the
17 disclosure as previously ordered.

18 Plaintiffs have amended their computation of damages to describe the nature and estimated
19 amount of damages for each of cause of action in the original complaint. However, it is not clear
20 whether this disclosure is still accurate in view of plaintiffs' recent filing of an amended
21 complaint. And for some of the damages claims, it is not clear which plaintiff or plaintiffs are
22 claiming the damages. Plaintiffs must amend their disclosure to clarify their computations of
23 damages.

24 **II. CONCLUSION**

25 For the reasons explained above and in this Court's prior order, plaintiffs have not
26 complied with their initial disclosure obligations under Rule 26. Plaintiffs must serve amended
27 disclosures that comply with this order and the Court's prior order (Dkt. No. 35) no later than
28 **June 28, 2019.**

1 **IT IS SO ORDERED.**

2 Dated: June 19, 2019

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VIRGINIA K. DEMARCHI
United States Magistrate Judge